

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1708.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Brian Simkins</b>
<b>DATE OF COMPLAINT:</b>	<b>March 8, 2001</b>
<b>DATE OF REPORT:</b>	<b>April 11, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>September 5, 2001</b>

**COMPLAINT ISSUES:**

Whether the Anderson Community School Corporation violated:

511 IAC 7-25-4 with regard to the school's alleged failure to ensure the case conference committee (CCC) considered all of the evaluative data in making the determination regarding the student's eligibility for special education and related services.

511 IAC 7-27-4(c) with regard to the school's alleged failure to ensure the CCC considered general and special factors in developing the student's individualized education program (IEP).

511 IAC 7-18-2 and 511 IAC 7-17-36 with regard to the school's alleged failure to provide a student with a disability a free and appropriate public education.

Upon further investigation, an additional issue was discovered: Whether the Anderson Community School Corporation violated:

511 IAC 7-25-4(b) with regard to the school's alleged failure to conduct an educational evaluation and a CCC convened within sixty (60) instructional days of the date the written parental consent for an evaluation is received by certified personnel.

The complaint report was originally due on April 6, 2001. Due to the need for additional information, the deadline was extended to April 11, 2001.

**FINDINGS OF FACT:**

1. The Student is nine years old and attends a local elementary school (the "school"). The CCC determined that the Student is not eligible as a student with a learning disability; however the parent disagrees with this determination.
2. On May 17, 2000, the parent verbally requested an educational evaluation for the Student. The school principal talked with the parent about scheduling a meeting to discuss the educational evaluation process. At that time, the parent requested that the evaluation be completed by the end of the 1999-2000 school year. When the principal advised the parent that the evaluation would not be completed that quickly, the parent declined to provide written consent for the school to conduct an educational evaluation. The parent advised the school that she would obtain an evaluation from another source.

3. The parent obtained an independent evaluation and provided a copy to the principal on November 20, 2000. The principal and the parent agreed to convene a CCC on December 11, 2000. The CCC convened to review all of the Student's evaluation data and make a determination regarding the Student's eligibility for special education and related services. Part of the evaluation data included results from a report authored by the Student's doctor.
4. The CCC determined additional information was required to determine eligibility in the area of learning disabilities. In addition, critical documentation was not available to the CCC to determine other health impairment. Missing documentation included available medical background per 511 IAC 7-26-12(b)(4) and an adaptive behavior evaluation per 511 IAC 7-26-12(b)(5). The parent provided written consent for further evaluation by the local special education district's school psychologist. In addition, the CCC requested a statement from the Student's medical doctor regarding health impairment(s).
5. On January 22, 2001, the CCC reconvened. Results of additional evaluation completed by the local special education district were interpreted by the school psychologist. The *Multidisciplinary Team Report: Learning Disabilities* was reviewed, and the CCC agreed the Student does not have a learning disability. The CCC also reviewed the speech pathologist's report and agreed the Student did not qualify as a student with a communication disorder.
6. No medical report written by a physician was provided by the parent on January 22, 2001. Therefore, the CCC could not determine if the Student is eligible as a student with an other health impairment. Although the school requested on two occasions that the parent sign a release of information to allow the school to obtain the medical report, the parent has declined, stating she would obtain the report and provide it to the school. As of April 5, 2001, the parent had been unable to obtain the report, despite her requests to the provider.
7. Sixty instructional days from December 11, 2000 elapsed on March 21, 2001.

#### **CONCLUSIONS:**

1. Findings of Fact #2 through #6 reflect that the CCC considered all evaluative data in making the determination regarding the Student's ineligibility for special education as a student with a learning disability. The CCC is waiting on additional information to complete its review and determination on the student's eligibility due to an other health impairment. No violation of 511 IAC 7-25-4 is found.
2. Findings of Fact #2 through #6 show that the CCC determined the Student was not eligible for special education; therefore, no individualized education program was developed. No violation of 511 IAC 7-27-4(c) is found.
3. Findings of Fact #2 through #6 indicate that the CCC has determined the Student is not eligible as a student with a learning disability or a communication disorder. As more information on the Student's medical condition becomes available, the CCC will continue its determination on the Student's eligibility as a student with an other health impairment. Therefore, the Student has not been denied a free appropriate public education. No violation of 511 IAC 7-18-2 and 511 IAC 7-17-36 is found.
4. Finding of Fact #7 shows that sixty instructional days has elapsed since the school's receipt of a written parent request for an evaluation. Evaluations have been completed in the areas of learning disabilities and communication disorder, and the CCC completed its review and determination on the two disability areas within the requisite timelines. However, due to the school's and the parent's inability to obtain the requisite medical report, the 60 instructional day timeline has been exceeded on determining the Student's eligibility as a student with an other health impairment. Therefore, a violation of 511 IAC 7-25-4(b) is found. However, the school has begun appropriate

corrective action by obtaining the parent's consent for the school to request the medical report.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Anderson Community School Corporation shall obtain the necessary medical documentation and convene a CCC to complete the Student's educational evaluation regarding other health impairment. The school shall submit a copy of the CCC Report and IEP (if applicable) to the Division no later than May 4, 2001.

DATE REPORT COMPLETED: April 11, 2001